

March 1, 2010

### INVITATION TO BID 10-13

Sealed bids for dairy products for the City of Birmingham for a period of one (1) year with month to month extensions thereafter upon mutual agreement of both parties, will be received by the Purchasing Agent, Room P-100. 1<sup>st</sup> Floor City Hall, Birmingham, Alabama until 2:00 p.m., April 5, 2010, at which time they will be publicly opened and read.

Specifications and bid form for the products desired are attached and all quotations shall be f.o.b. Birmingham, Alabama delivered.

Bidders wishing to bid can download the complete solicitation including the specifications and bid forms via the internet at [www.birminghamal.gov](http://www.birminghamal.gov) (go to link titled **Active List of Solicitations and /or Addenda**), or by visiting the Purchasing Office at the address shown above, or by calling (205) 254-2265, fax (205) 254-2484 and requesting a copy be mailed to you. Any addenda will be available on the internet, and mailed to only those vendors who were provided a copy in person or by mail.

The bidder must submit with his bid, either a certified check, a cashier's check, or a bid bond payable to the City of Birmingham in an amount of \$1,000.00. In order for a bid to be considered, it must be accompanied by an acceptable bid bond or a check.

The City follows a policy of nondiscrimination. No contractor with the City should discriminate on the basis of race, sex, religion, or national origin. The City considers affirmative action to eliminate the vestiges of discrimination to be an integral part of this policy of nondiscrimination.

No bid may be withdrawn for a period of sixty (60) days after the date of the bid opening.

The City reserves the right to reject any or all bids submitted, and to waive any informalities.

Bids must be submitted in a sealed envelope marked, "**SEALED BID –DAIRY PRODUCTS- 2:00 P.M., 04/05/10**". Bids may be hand delivered to Room P-100 1st Floor City Hall Birmingham, Alabama, or mailed to City of Birmingham, P.O. Box 11295, Birmingham, Alabama 35202-1295. (**DO NOT MAIL BID TO ROOM P-100 FIRST FLOOR CITY HALL.**). However bids sent by any express carrier (Federal Express, UPS, Airborne, etc.) must be mailed to 710 North 20th Street, Birmingham, AL 35203, and specify delivery to Room P-100 1st Floor City Hall.

It is the bidder's responsibility to make sure that his/her bid is in the possession of the Purchasing Agent on or before 2:00 p.m., April 5, 2010. Bids received after this time will not be considered.

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William E. Caffee, Asst. Purchasing Agent

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B.N. 03/05/10

### SPECIFICATIONS FOR DAIRY PRODUCTS

## **GENERAL:**

The City of Birmingham is seeking bids for dairy products. The basis of the bid shall consist primarily of any and all items used by the City. The City intends to award to the lowest priced, responsive, responsible bidder on a total lot per group. Group I consists of homogenized milk, low fat milk, buttermilk and orange juice. Group II consists of vanilla ice cream.

The proposed contract shall extend for a minimum time of one (1) year with a month to month extension thereafter, upon mutual agreement of both parties. This extension phase is not to exceed twenty-four (24) months. Price bid shall be a firm price for the month of May, 2010. City will allow for an escalator clause for the period after May, 2010 to allow for price fluctuations based on deviations in the Federal milk order base price or changes in milk products cooperatives base cost. However, bidders must provide a specific written statement detailing the method and rate of calculation of any and all escalation or de-escalation of price. Successful bidder shall provide the Federal milk order or any other documentation with any invoices reflecting a price change to document justification for price change. Prior to the end of the initial contract year or during the extension phase of the contract, the successful bidder shall give the City an advanced thirty (30) days written notice of his intent not to extend the contract on a month to month basis.

Successful bidders shall not assign this contract to any other party without prior written approval of the City of Birmingham. Contract shall not be assigned to an unsuccessful bidder who was rejected because he was not a responsive or responsible bidder.

The contract(s) shall become effective from the date noted in the Notification of Award Letter, which will be mailed to the successful bidder(s).

**Successful bidder acknowledges and agrees that the City has the right to deduct from total amount of consideration to be paid, if any, to the successful bidder under this agreement all unpaid, delinquent, or overdue license fees, taxes, fines, penalties and other amounts due the City from the successful bidder.**

**The City of Birmingham must have a copy of the successful bidder's current City of Birmingham business license prior to formal award of contract. Each bidder may submit a copy of his/her license along with his/her bid. However, bidders must provide a copy of his/her current business license no later than seven (7) working days of receipt of notice of intent to award. Failure to submit the requested information will result in the notice of intent to award being revoked.**

The City's standard payment terms are net 30 days from acceptance. Exception may be allowed from discounted early payments, such as 2% 10 net 30 days. The City will not consider any bids requiring C.O.D. payments.

Any questions concerning these specifications should be addressed to the Purchasing Division, at (205) 254-2265, between the hours of 8:00 a.m. & 4:00 p.m., Monday through Friday.

The quantities on the bid form indicate estimated usage of each item. The City shall order material as needed throughout the life of this contract. The City does not guarantee any specific quantities or amounts to be purchased during the life of the contract.

Any bid that imposes a service fee or any other type of fee on any order not exceeding a minimum order quantity or minimum purchase order dollar amount, will be determined a non-responsive bid and will not be considered for award.

All bids submitted are to be F.O.B. City of Birmingham, Birmingham, Alabama.

Any bid that stipulates a reversal of freight charges if minimum quantity or purchase order amount is not ordered, will be determined a non-responsive bid and will not be considered for award.

The City reserves the right to terminate the contract for cause at any time the City determines that the product or service being supplied is not acceptable.

Failure to adhere to any or all terms, conditions and specifications as set forth in the contract may result in the immediate termination of the contract. Should termination occur, the holder of the contract may be declared a "non-responsible vendor". This declaration may result in the rejection of any future bids submitted by the vendor for a period of time to be determined by the City.

The City of Birmingham does not anticipate utilization of a long, formal, written contract document to bind the City and successful bidder to an agreement. The City will issue purchase orders to the successful bidder as material is required. The successful bidder acknowledges by acceptance of City purchase orders for awarded item that the bidder is bound to the terms, conditions and requirements as stated in this document.

Each bidder is to extend unit prices and provide an extended total for each line item being bid. In order for any bid award to be made, your bid must have been accompanied by an acceptable bid bond or check in the amount of \$1,000.00 (**REFERENCE COVER**

**LETTER OF “INVITATION TO BID”).**

Bids may be solicited for any product included in this contract where an immediate emergency need exists, including large quantities. The decision of the Purchasing Agent as to what constitutes a biddable situation shall be final and shall not be construed as a breach of contract.

Prices are requested to be bid as delivered price to the Birmingham City Jail, 425 6<sup>th</sup> Avenue South.

The City may require samples of any product before an award is made. Any sample(s) requested must be made available to the City within seventy-two (72) hours of request. Failure to provide the sample(s) within this time frame will result in the rejection of the product(s) from award consideration.

Contract award to purchase the material covered in this bid document shall be construed under and governed by the laws of the State of Alabama and each party hereto irrevocably agrees to be subject to the jurisdictions of the court of the State of Alabama.

**BID FORM**

Mr. W. E. Caffee  
Assistant Purchasing Agent  
Birmingham, AL

Submitted below is my firm bid for dairy products in accordance with your invitation to bid and specifications dated March 1, 2010. Prices quoted are f.o.b. Birmingham, AL delivered and I am bidding in accordance with specifications except as listed below.

Approx. Weekly Qty	Description	Brand	Price Each	Total
<b>Group I</b>				
1,500 ea.	8 oz. Homogenized Milk		\$	\$
750 ea	8 oz. 2% Low Fat Milk		\$	\$
36 ea.	½ Gal. Whole Buttermilk		\$	\$
2,000 ea.	4 oz. Orange Juice, 100% Pure		\$	\$
<b>Total Group I</b>				\$
<b>Group II</b>				
750	4 oz. cups of Vanilla Ice Cream		\$	\$
<b>Total Group I and Group II</b>				\$
				<b>x 52</b>
<b>Annual Total</b>				\$

I hereby certify that we do not discriminate in employment of our personnel against any persons on account of race, creed, color, sex, or national origins, and acknowledge, and agree, that the City encourages minority – and women – owned business participation to the maximum extent possible. This policy includes Historically Underutilized Business Enterprises such as architectural firms, engineering firms, investment banking firms, other professional service providers, and construction contractors as part of the City's business, economic and community revitalization programs.

**EXCEPTIONS TO SPECIFICATIONS:**

\_\_\_\_\_

\_\_\_\_\_  
Date of Bid

\_\_\_\_\_

\_\_\_\_\_  
Company

\_\_\_\_\_

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Post Office Box (Zip if different the street address)

\_\_\_\_\_  
Tax ID Number

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Name (Print or Type)

\_\_\_\_\_  
Terms of Payment

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Delivery Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-mail address

\_\_\_\_\_  
Fax Number

**IF AVAILABLE PLEASE SUBMIT COPY OF CURRENT CITY OF BIRMINGHAM BUSINESS LICENSE WITH THIS BID.**

**INDICATED THE FOLLOWING ADDRESSES IF DIFFERENT FROM ABOVE:**

- BID AWARD NOTICE ADDRESS**
- PURCHASE ORDER ADDRESS**
- REMITTANCE ADDRESS AND NAME IF DIFFERENT THAN ABOVE.**